

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOHN DOE # 1, an individual; JOHN
DOE # 2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

V.

SAM REED, in his official capacity as Secretary of State of Washington; and BRENDA GALARZA, in her official capacity as Public Records Officer for the Secretary of State of Washington,

Defendants.

NO. 09-cv-5456-BHS

DECLARATION OF
OFFICER ANDREW MEHL
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

I, Andrew Mehl, declare as follows:

1. I am over eighteen years of age and competent to testify. I have been employed by the Edmonds Police Department for three and a half years.

2. In my capacity as an Edmonds Police Officer, I have personal knowledge of the following information.

3. Attached to this Declaration as Exhibit A is a true scanned copy of a Snohomish County Incident Report, Edmonds Police Department, regarding **REDACTED** and her son

1 REDACTED, which I prepared; a follow-up report written by Officer Michael Drinkwine; a
2 supplemental report which I prepared; an incident statement form signed by REDACTED
3 which I witnessed; and an incident statement form signed by REDACTED which I
4 witnessed. The information contained in the original reports and incident statements is
5 identical to the scanned copy.
6

7 4. I declare under penalty of perjury under the laws of the state of Washington that the
8 foregoing is true and correct and of my own knowledge, and that I executed this declaration at
9 Edmonds, Washington, in the County of Snohomish, this 26th day of June, 2011.

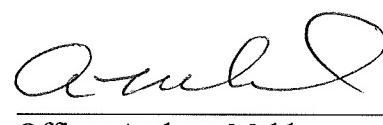
10
11 
12 Officer Andrew Mehl

EXHIBIT A

Snohomish County Incident Report

Edmonds Police Department

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Case Number
09-3179

Incident Classification 1 THREATS			<input type="checkbox"/> Attempted	Offense Code	Incident Classification 2			<input type="checkbox"/> Attempted	Offense Code
Incident Classification 3			<input type="checkbox"/> Attempted	Offense Code	Type of Report				
Address/Location of Incident REDACTED Edmonds, WA 98020					Premise Type/Name Two/Mor Story House			Code 02	
Officer Assault/Safety	Responding To		Type of Assignment		<input type="checkbox"/> Force	Reporting Area E039	<input type="checkbox"/> No Force	Beat E1	
Occurred on or From (Date/Time/DOW) 08/23/2009 18:00 Sunday			Occurred To (Date/Time/DOW)			Reported On (Date/Time/DOW) 08/23/2009 18:18 Sunday			
No. V-1	Non-Disc. <input type="checkbox"/>	Name (Last, First, Middle) REDACTED				Race W	Ethnicity Non-Hispanic	Sex F	
DOB/Age 02/11/1966 43	Height 5'02"	Weight 125	Hair Brown	Eyes Blue	Residential Status Full Time Resident				
Street Address REDACTED , Edmonds, WA 98020					Residence Phone (425) REDACTED	Business Phone (206) REDACTED			
Social Security No.	Driver's License	State WA	Employer/School						
No. V-2	Non-Disc. <input type="checkbox"/>	Name (Last, First, Middle) REDACTED				Race W	Ethnicity Non-Hispanic	Sex M	
DOB/Age 08/27/1995 13	Height 4'08"	Weight 100	Hair Blond	Eyes Unknown	Residential Status Full Time Resident				
Street Address REDACTED , Edmonds, WA 98020					Residence Phone (425) REDACTED	Business Phone			

SYNOPSIS: DEATH THREAT OVER PHONE. NO SUSPECT INFORMATION.

On 08-23-09 at approximately 1858 hours I was dispatched to REDACTED regarding a threats report. I arrived and contacted V-1 / REDACTED She told me that someone had called her home phone number. Her son V-2 / REDACTED answered the phone. A male with a high pitched voice asked for REDACTED by name. REDACTED's grandmother also picked up another phone about the same time he did. REDACTED called for REDACTED and put the phone back up to his ear. Upon doing so the male said "I am going to kill you and your family", and then hung up.

REDACTED said he didn't recognize the voice and there was no caller ID on the phone. REDACTED and REDACTED did not feel like they were in immediate danger but the incident made them nervous about their safety. REDACTED told me that she is running for a position in the REDACTED. There was an article in REDACTED about her opposition to gay marriage and referendum 71. She believed it may have been someone who disagrees with her about gay marriage.

REDACTED is holding a rally at the REDACTED on 08-24-09 at 1800 hours. She estimated that there would be approximately 200 people there. I advised her I would do extra patrols of her house and advise the other patrol squads. REDACTED and REDACTED both completed written statements. I provided REDACTED a business card with the case number of this report.

LG ai CPYMENT ai QC SC ay

Officer Name/Number Mehl, Andrew #2601	Unit 2E1	Approved By Number	Date			
Clearance <input type="checkbox"/> Arr/A <input type="checkbox"/> Arr/J <input type="checkbox"/> Insult/Closed	Distribution <input type="checkbox"/> Unfounded <input type="checkbox"/> Excl/A <input type="checkbox"/> Excl/J <input type="checkbox"/> Closed/Other	<input type="checkbox"/> DOC <input type="checkbox"/> PA <input type="checkbox"/> ADMIN <input type="checkbox"/> GPS <input type="checkbox"/> DSHS	<input type="checkbox"/> HD <input type="checkbox"/> JUV <input type="checkbox"/> MH	<input type="checkbox"/> TRAF <input type="checkbox"/> DET <input type="checkbox"/> PAT	<input type="checkbox"/> PROACT <input type="checkbox"/> Court <input type="checkbox"/> Other	Logged <input type="checkbox"/> Date Initials
Entered RMS <input type="checkbox"/>	Date Initials	Entered WACIC/NCIC <input type="checkbox"/>	Date Initials	Entered WACIC/NCIC <input type="checkbox"/>	Date Initials	

Edmonds Police Department Follow-Up Report

Edmonds Police Department

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 Case Number
09-3179

Incident Classification THREATS		Name of Original Victim(s)	
Report Date 08/24/2009	Original Case Report Date 08/23/2009	Reclassify To	
Connecting Case Number(s)		Incident Involved	

Follow up 082409

I called V-1^{REDACTED} to inquire as to whether or not anyone had tried to do call tracing on the incoming call yesterday. V-1^{REDACTED} said that they had not as they were not familiar with the service. I provided her with instructions for doing so should she get more suspicious/threatening calls.

I also advised her to call if she had any other suspicious activity surrounding her and her family (hang up calls, other out of the ordinary happenings etc.).

M. A. Drinkwine 1008

Officer Name/Number Drinkwine, Michael #1008		Unit	Approved By Number <i>Howard</i>	Date 8-24-09
Clearance <input type="checkbox"/> Am/A <input type="checkbox"/> Am/I <input type="checkbox"/> Insuff/Closed	<input type="checkbox"/> Unfounded <input type="checkbox"/> Excl/A <input type="checkbox"/> Excl/J <input type="checkbox"/> Closed/Other	Distribution <input type="checkbox"/> PA <input type="checkbox"/> ADMIN <input type="checkbox"/> OPS <input type="checkbox"/> DSHS <input type="checkbox"/> HD <input type="checkbox"/> MH <input type="checkbox"/> JUV <input type="checkbox"/> PAT <input type="checkbox"/> TRAF <input type="checkbox"/> DET <input type="checkbox"/> PROACT Court _____ Other _____	Logged <input type="checkbox"/>	
Entered RMS 8/25/09 / aj /		<input type="checkbox"/> Entered WACIC/NCIC _____ / _____ / _____	<input type="checkbox"/> Entered WACIC/NCIC _____ / _____ / _____	

Snohomish County Supplemental Report Edmonds Police Department

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Incident Classification 1 THREATS		<input type="checkbox"/> Attempted	Offense Code	Incident Classification 2		<input type="checkbox"/> Attempted	Offense Code
Incident Classification 3		<input type="checkbox"/> Attempted	Offense Code	Type of Report			
Address/Location of Incident REDACTED Edmonds, WA 98020				Premise Type/Name		Code	
Officer Assaul/Safely	Responding To	Type of Assignment		<input type="checkbox"/> Force	Reporting Area	Beat	
Occurred on or From (Date/Time/DOW) 08/23/2009 18:00 Sunday		Occurred To (Date/Time/DOW)			Reported On (Date/Time/DOW) 08/23/2009 18:18 Sunday		

Follow up: 02-05-10

On 02-03-10 at approximately 1048 hours REDACTED left me a voicemail message advising me that she had an incident with her son Ocean Shores on 01-31-10. Upon returning to work from my days off I returned her call on 02-05-10 at approximately 1910 hours. She was immediately unavailable but returned my call at approximately 1919 hours.

REDACTED is currently campaigning for an elected position in Washington State Legislature. REDACTED told me that she and her son were in Ocean Shores for a Republican Party convention. Her son was wearing a campaign hat with her name on it. An unknown female drove by in an unknown type vehicle threw applesauce onto her son and made a strange face. REDACTED reported this to the Ocean Shores PD Sergeant Luck under case #10OS-0495. REDACTED requested I obtain a copy of the Ocean Shores report to forward to her. I advised REDACTED that public disclosure laws prevent me from releasing another agency's report and that she would need to request the report directly from Ocean Shores PD. I also recommended that she request a copy of my original report from the Edmonds PD records section.

I further advised her that based on what she told me it did not seem that the two events were related. I based this belief on the fact that the suspect in this case was a male and the suspect in the Ocean Shores case was a female. Additionally the incidents occurred approximately six months apart and several hundred miles away. Further, I asked REDACTED if she had any suspicious incidents after the original report. She stated that nothing else had occurred since the original incident and even admitted that she did not believe the two events were related.

Information only at this time.

Officer Name/Number Mehl, Andrew #2601		Unit 2E7	Approved By Number SP/10	Date					
Clearance <input type="checkbox"/> Art/A <input type="checkbox"/> Art/J <input type="checkbox"/> Insuff/Closed	Distribution <input type="checkbox"/> PA <input type="checkbox"/> ADMIN <input type="checkbox"/> DSNS	<input type="checkbox"/> DOO <input type="checkbox"/> GPS <input type="checkbox"/> MH	<input type="checkbox"/> HD <input type="checkbox"/> JUV <input type="checkbox"/> PAT	<input type="checkbox"/> TRAF <input type="checkbox"/> DET <input type="checkbox"/> Other	PROACT Court	Logged /	Date /	Initials /	
Entered RMS 2/6/10 1 SMD		<input type="checkbox"/> Entered WACIC/NCIC		/		<input type="checkbox"/> Entered WACIC/NCIC		/	
Date /	Initials /	Date /	Initials /	Date /	Initials /				

Case # 09-3179

EDMONDS POLICE DEPARTMENT
250 5TH AVENUE NORTH
EDMONDS, WA 98020

INCIDENT STATEMENT FORM					
Name	REDACTED	REDACTED	REDACTED	Date of Birth	<u>08</u> / <u>27</u> / <u>95</u>
	✓ Last	First	Middle	mm	dd
Address	REDACTED	<u>Edmund S</u>	<u>98020</u>	Social Security #	
	Number	Street	City	St	Zip
Res. Phone	(<u>425</u>) REDACTED	Work Phone	(<u> </u>)	Other	(<u> </u>)

The following is my voluntary statement regarding this police report:

A man, early thirties and high pitched, called at around 6:00 P.M. He asked to talk to REDACTED REDACTED, my mother. I said to wait a moment. My grandmother was also on the other line, and picked up and talked at the same time. After yelling for both my mother, the phone went back up to my ear for a second and I heard "I am going to kill you and your family" then he hung up.

For Burglaries, Thefts, Vehicle Thefts, Runaway/Missing Persons and Found Property reports:

- I did not give anyone permission to enter my premises and/or take/remove my property.
 I do do not accept liability for towing and storage of my vehicle. (Note: Some circumstances may require impound).
 The named juvenile is presently a runaway. The named person is presently missing.

The named juvenile is presently a runaway. The named person is presently missing.

Making false reports to public officers:

A person commits the crime of making a false report if he/she willfully makes any untrue, misleading or exaggerated statement in any report to a Police or Fire Department. Making a false report is a misdemeanor.

I certify (or declare) under penalty of perjury, under the laws of the State of Washington, the above statement is true and correct.

REDACTED

WITNESS: Signature Arnold #2601 Date 08-23-09

Case # 09-3179

EDMONDS POLICE DEPARTMENT
250 5TH AVENUE NORTH
EDMONDS, WA 98020

Name		INCIDENT STATEMENT FORM			
REDACTED		REDACTED			
Last	First	Middle	Date of Birth	mm	dd
REDACTED	ST	Edmonds	WA 98020	11	166
Address	Number	Street	City	St	Zip
					Social Security #
Res. Phone	(425) REDACTED	Work Phone	(206) REDACTED	Other	()

The following is my voluntary statement regarding this police report:

My 13-year-old son answered the phone, told me it was for me and then listened as I was walking towards the phone. He said "Mom; you just got a death threat. He said, "I will kill you and your family." "

For Burglaries, Thefts, Vehicle Thefts, Runaway/Missing Persons and Found Property reports:

I did not give anyone permission to enter my premises and/or take/remove my property/vehicle.
 I do do not accept liability for towing and storage of my vehicle. (Note: Some circumstances may require impound).
 The named Juvenile is presently a runaway. The named person is presently missing.
I have been advised of Chapter 63 of the RCW and I do I do not wish to claim the found property if the true owner cannot be located.

Making false reports to public officers:

A person commits the crime of making a false report if he/she willfully makes any untrue, misleading or exaggerated statement in any report to a Police or Fire Department. Making a false report is a misdemeanor.

I certify (or declare) under penalty of perjury, under the laws of the State of Washington, the above statement is true and correct.

REDACTED

WITNESS: Signature Amelia Date 2005 08/23/09